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INTELLECTUAL PROPERTY, L.L.C., and Defendant BRENT
TOWNSHEND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE TOWNSHEND PATENT LITIGATION

This document relates to:

ESS TECHNOLOGY, INC., a California
corporation,

Plaintiff,

v.

BRENT TOWNSHEND, an individual, and
TOWNSHEND INTELLECTUAL PROPERTY,
L.L.C., a California L.L.C.,

Defendants.

AND RELATED COUNTERCLAIMS

Master File Number: C-02-4833-JF
(PVT)

Case No. C-01-1300-JF (PVT)

**STIPULATION AND [PROPOSED]
ORDER REGARDING SCHEDULE**

1 WHEREAS, pursuant to the Stipulation and Order Regarding Schedule dated December
2 9, 2005, the current due date for rebuttal expert reports on subjects other than damages is
3 December 16, 2005; and

4 WHEREAS, pursuant to the Stipulation and Order Regarding Schedule, the current due
5 date for opening damages expert reports is December 19, 2005; and

6 WHEREAS, the parties have agreed to continue these dates in light of their agreement in
7 principle to resolve the case, which is now being reduced to final form;

8 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

9 1. Rebuttal expert reports on issues other than damages are due by December 21,
10 2005.

11 2. The parties are to serve expert reports for which they bear the burden of proof on
12 the issue of damages by December 21, 2005.

13 3. No other dates are affected by this stipulation and Order.

14 DATED: December 16, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

15
16 By /s/ .
Maura L. Rees

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18 Attorneys for Defendant-Counterclaimant
19 TOWNSHEND INTELLECTUAL PROPERTY,
L.L.C., and Defendant BRENT TOWNSHEND

20 DATED: December 16, 2005

MILBANK, TWEED, HADLEY & McCLOY LLP

21
22 By /s/ .
James Pooley

23
24 Attorneys for Plaintiff and Counterdefendant
25 ESS TECHNOLOGY, INC.

ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

Dated: 12/21/05

/s/electronic signature authorized

Hon. Jeremy Fogel
United States District Court Judge

DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of the document was obtained from each of the other signatories.

DATED: December 16, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By _____/s/_____
Maura L. Rees

Attorneys for Defendant-Counterclaimant
TOWNSHEND INTELLECTUAL PROPERTY,
L.L.C., and Defendant BRENT TOWNSHEND